1945

File No. Hoard & Profit Prevention II/45

Legal Department

B BRANCH

Subject:— Rules and Notifications under the Hoarding and Profiteering Prevention Ordinance 1943 (~~XXXV~~ of 1943.)

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1945

File No. Hoarding & Profit-Prevention II/4

Gen. 194 e.

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The proposal is that it should not be obli. ory on a dealer to issue a cash memo even on request, where the value of the purchase in respect of fresh vegetables, fruits, milk, eggs and fish etc. is upto R. 5 and that the obligation to issue a cash memo on demand should continue when the value of the said articles pruchased is more than R. 5 but less than R. 10. The question for the consideration of the R.L.A. is whether a notification containing the above proposal can be validity issued by the Provincial Government under section 10(3) of the Hoarding & Profiteering Prevention Ordinance, 1943.

2. Sub-section (1) of section 10 of the Hoarding & Profiteering Prevention Ordinance, 1943 provides that every dealer of producer when selling any article for cash shall, if the amount of the purchase is ten rupees or more, in all cases, and, if the amount of the purchase is less than ten rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction. Sub-section (3) of the said section provides that the Provincial Government may, by notification in the official Gazette, exempt specific areas, classes of dealers or producers or commodities fromthe operation of this section. The present proposal is not for exempting a class of delesers or any commodities from the operation of section 10. It amounts to altering the limits of the purchase value of certain commodities from R. 10 to R. 5 below which a consumer cannot, by right, demand a cash memo. In effect, it aims at altering the specific limits of purchase value contained in sub-section (1) and is beyond the scope of sub-section (3) of the Hoarding and Profiteering Prevention Ordinance. The view taken in Finance Department (Supply) note at p. 18 ante is correct.

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply)No. 2778 dated the 10th April 1945.

Notification.

Home Department

Bombay Castle, 1945.

No. 5680/4-II. In exercise of the powers conferred by sub-section (4) of section 13 of the Hoarding and Profiteering Preventing Ordinance, 1943 (XXXV of 1943), the Government of Bombay is pleased to empower the following Magistrates of the First Class for the purpose of the said sectio , namely:-

(Please enter only the names of Magistrates. - except <u>I.S.</u> S.K.Desai's At page between 131 and 137 ante).

By order of the Governor of Bombay.

Sd/- G. G. [illegible],

Secretary to Government.

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The drafts at pp. 39 and 43 ante as amended are in order.

A draft indicating the form that the sanction should take is sent herewith. It is necessary as advised in H.L.A's opinion No. 4131, dated 30th May 1945 to state briefly in the sanction Order the facts constituting the offence. In respect of offences committed by a company or body corporate the prosecution will be against the officers specified in Rule 122 of the Defence of India Rules.

Remembrancer of Legal Affairs.

U.O. to F.D. (Supply) No. 7624, dated the 15th October, 1945.

SCM / 17/7/56.

ORDER.

No. Whereas X X X X

λ Name of persons (or of Director, Manager, Secretary or other officer of if the person is a body corporate).

residing at

carrying on business at

having registered office at

has on ..... between month of 194

and month of 194 (here state

the things done in contravention of the

Ordinance) and thereby committed an offence/
Order)

offences under section (or sections)
clause (or clauses)

of the Hoarding and Profiteering
of the Drug Control Order,

Prevention Ordinance, 1943 (XXV of 1943)
1943.

hereinafter referred to as the said

* Ordinance;
Order;

Now therefore in exercise of the powers

conferred by section 14 of the said
clause 16 of the said

Ordinance read with
Order read with

Government Notification in the Finance
Government Notification in the Finance

Department (Supply)
Department (Supply)

No. , dated the 1945, I---
No. , dated the 1945,

---------- Joint Secretary to

Government, Finance Department (Supply)

(or the Director of Civil Supplies, Bombay)

hereby accord ~~sanctio~~ sanction to the

prosecution of the said

for offences punishable under sections)
for contravening

of the said Ordinance.
the provisions of clause (5) of the said Order.

* Strike out whichever is in applicable

Strike out which ever applicable

Joint Secretary to Government,
Finance
Department (Supply)
Director of Civil Supplies, Bombay.

Finance Department (Supply),
Bombay Castle, 194